REMARKS

Claims 1 and 8 are amended and Claim 16 is added. Claims 1-16, as amended, remain in the application.

The Examiner stated that the informal drawings (figures 7-9) are not of sufficient quality to permit examination and, accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office Action.

Applicant filed the required replacement sheets on December 3, 2004. No new matter is added by the amendments to the drawings and the claims.

In the Office Action dated October 4, 2004, the Examiner rejected Claim 8 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner stated that the claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. According to the Examiner, the recitation of the invention appears to be inaccurate in lines 11-15 of page 11 in that the invention is not clearly described so that one of ordinary skill in the art would be able to reproduce the invention.

Applicant amended Claim 8 to clarify that the ground engaging base frame has a generally horizontally extending central beam with an associated one of a pair of generally vertically extending intermediate beams attached at each end thereof. Each of the intermediate beams has an upper end with an associated one of a pair of generally horizontally extending end beams attached thereto. A pair of spaced apart upwardly extending posts and a pair of generally horizontally extending legs are attached to the central beam. Applicant believes that amended Claim 8 overcomes the rejection.

The Office Action Summary lists Claims 1-15 as being rejected, but the Detailed Action omits any discussion of a basis for the rejection of Claims 12 and 14. Therefore, Applicant directs the following remarks to the rejections of Claims 1-11, 13 and 15.

The Examiner rejected Claims 1-4 and 7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,010,299 issued to Jesswein in view of U.S. Patent No. 2,643,779 issued to Hamlin. The Examiner stated that Jesswein discloses a lift apparatus for supporting motorcycles and small vehicles comprising a ground engaging base frame (1) having a pair of spaced apart

upwardly extending posts (7) and a pair of generally horizontally extending legs (2) with ground engaging roller assemblies attached to their outer ends, said legs each having an inner end adjacent one of said posts and an outer end, said leg inner ends being spaced a first predetermined distance apart and said leg outer ends being spaced a second predetermined distance apart, a pair of parallelogram linkages, each said linkage having an upper link, a lower link extending generally parallel to said upper link and outer link, and an inner link formed by a portion of an associated one of said posts, said upper link being connected by first and second pivot means (each including an axle about which, at least one of said links pivots) to said inner and outer links respectively, said lower link being connected by third and fourth pivot means (each including an axle about which, at least one of said links pivots) to said inner and outer links respectively, a vehicle support means including a pair of spaced apart support arms attached to said outer links; and a manually actuated hydraulic actuator that acts as an actuator means having a lower end pivotally connected to said base frame and an upper end pivotally connected to said lower links whereby extension of said actuator means raises said vehicle support means between a lowered position for engaging and disengaging from a vehicle and a fully raised position. The Examiner admitted that Jesswein, however, does not disclose that the second predetermined distance between leg outer ends is greater than said first predetermined distance between leg inner ends or that the base frame includes a pair of ground engaging caster assemblies.

The Examiner stated that Hamlin discloses an automobile transmission handling jack that is formed to have a stable base (col. 1 lines 23-25) consisting of a base with a pair of generally horizontally extending legs, said legs each having an inner end and an outer end, said leg inner ends being spaced a first predetermined distance apart and said leg outer ends being spaced a second predetermined distance apart greater than said first predetermine distance. According to the Examiner, Hamlin also discloses that the base is caster-wheel-mounted for movability (col. 2, The 17). Therefore, the Examiner is of the opinion that it would have been obvious to one of ordinary skill in the art at the time the invention was made to space the outer end of the legs in the invention of Jesswein further apart than the inner ends to increase stability of the base structure. It also would have been obvious to replace the base mounted wheels of Jesswein with casters to increase the movability of the lifting apparatus.

The Examiner rejected Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Jesswein and Hamlin and further in view of U.S. Patent No. 5,232,203 issued to Butts. The Examiner stated that Jesswein and Hamlin disclose a lifting apparatus as discussed supra but fail to provide padding on the load supporting surface of the support arms. The Examiner further stated that Butts discloses a jack for light aircraft and provides a resilient pad to the aircraft engaging portion of the jack to distribute loading on the aircraft surfaces and protect the aircraft from damage. According to the Examiner, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the load supporting surfaces of the support arms in Jesswein's invention to distribute loading and prevent damage to the motorcycle or small vehicle being lifted by the lifting apparatus.

The Examiner rejected Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Jesswein and Hamlin and further in view of U.S. Patent No. 3647,183 issued to Rishovd. The Examiner stated that Jesswein and Hamlin disclose a lifting apparatus as discussed supra but fail to provide handles attached to an upper end of each post. The Examiner further stated that Rishovd discloses a vehicle jack with a main upright post that has a handle attached to either side near the top of the post and teaches that the jack is wheeled into the proper lifting position relative to a vehicle by means of the handles mounted near the top of the cylinder (col. 3, lines 26-28). According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide each of the posts in Jesswein's invention with handles in order for the invention to be properly positioned.

Applicant amended Claim 1 to further define the vehicle support means as being attached at one end to a lower end of each of the outer links and having a free end extending away from the linkages. This is best seen in Figs. 1 and 4 with the traverse bar 34 and the support arms 35 forming the support means. Jesswein has a platform assembly that is supported centrally at an upper end of the links 15. Hamlin, Butts and Rishovd do not supply the missing elements.

The Examiner rejected Claims 8-11 and 15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,536,135 issued to Robertson in view of U.S. Patent No. 4,479,632 issued to McIntire. The Examiner stated that Robertson discloses a lift apparatus for supporting motorcycles and small vehicles comprising a ground engaging base frame having a generally horizontally extending central beam (6) with a generally vertically extending

intermediate beam (6/7) attached at each end thereto, each said intermediate beam having an upper end with a generally horizontally extending end beam (7) attached thereto, a pair of spaced apart upwardly extending posts (1/2), a pair of parallelogram linkages, each said linkage having an upper link (2/5), a lower link (8/9) extending generally parallel to said upper link, an outer link (34), and an inner link (1/2) formed by a portion of an associated one of said posts, said upper link being connected by first (5) and second pivot (2) means (each including an axle about which, at least one of said links pivots) to said inner and outer links respectively, said lower link being connected by third (8) and fourth pivot (9) means (each including an axle about which, at least one of said links pivots) to said inner and outer links respectively; a vehicle support means (40), including a pair of spaced apart support arms, attached to said outer links (although Robertson does not disclose as a vehicle support means, 40 is capable of supporting a vehicle) and a hydraulic cylinder acting as an actuator means (26) having a lower end pivotally connected to said base frame whereby extension of said actuator means raises said vehicle support means between a lowered position for engaging and disengaging from a vehicle and a fully raised position.

The Examiner admitted that Robertson, however, does not disclose a pair of generally horizontally extending legs, said legs each having an inner end adjacent one of said posts and an outer end having a ground engaging roller assembly, said leg inner ends being spaced a first predetermined distance apart and said leg outer ends being spaced a second predetermined distance apart greater than said first predetermined distance. The Examiner further admitted that Robertson also fails to disclose that the upper end of the actuator means is pivotally connected to the lower links (Robertson shows actuator means connected to upper link), fails to disclose that the base frame includes a pair of ground engaging caster assemblies each attached to an outer end of an associated one of said end beams or that the actuator means is a manually actuated hydraulic cylinder. According to the Examiner, McIntyre discloses a dolly that comprises a pair of generally horizontally extending legs (25 and 28), said legs each having an inner end adjacent one of said posts and an outer end having a ground engaging roller assembly (48 and 50), said leg inner ends being spaced a first predetermined distance apart and said leg outer ends being spaced a second predetermined distance apart greater than said first predetermined distance, a caster assembly attached to an outer end of an end beam (30), and a manually actuated hydraulic

actuator (68) having a lower end pivotally connected to a base frame (18) and an upper end pivotally mounted to a lower link (54). It is the Examiner's opinion that it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the base of Robertson's invention with the ground engaging base of McIntire comprising a pair of generally horizontally extending legs said legs each having an inner end adjacent one of said posts and an outer end having a ground engaging roller assembly, said leg inner ends being spaced a first predetermined distance apart and said leg outer ends being spaced a second predetermined distance apart greater than said first predetermined distance, a caster assembly attached to an outer end of an end beam (30) and a pair of caster assemblies to the end beam of Robertson in order to make Robertson's invention more stable through the diverging leg arrangement and allow for the support to more easily be repositioned (due to the caster and roller assemblies) over the object to be lifted without the legs interfering. The ability to reposition the lifting apparatus makes the invention more useful and versatile. It would also be obvious to make Robertson's hydraulic actuator manually actuated to avoid the need for additional machinery to provide power and controls for the lifting apparatus, again making the invention useful and versatile and finally, it would be obvious to pivotally connect the hydraulic actuator to the lower end link of the apparatus instead of the upper link. This modification would allow for a shorter hydraulic actuator, which would be less expensive to purchase or produce and the modification would not change the desired motion of the moving links.

The Examiner rejected Claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Robertson and McIntire as applied to Claim 8 above and further in view of Butts. The Examiner stated that Robertson and McIntire disclose a lifting apparatus as discussed supra but fail to provide padding on the load supporting surface of the support arms and Butts discloses a jack for light aircraft and provides a resilient pad to the aircraft engaging portion of the jack to distribute loading on the aircraft surfaces and protect the aircraft from damage. According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the load supporting surfaces of the support arms in Robertson's invention to distribute loading and prevent damage to the motorcycle or small vehicle being lifted by the lifting apparatus.

The Examiner rejected Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Robertson and McIntire as applied to claim 8 above and further in view of Rishovd. The Examiner stated that Robertson and McIntire disclose a lifting apparatus as discussed supra but fail to provide handles attached to an upper end of each post. The Examiner further stated that Rishovd discloses a vehicle jack with a main upright post that has a handle attached to either side near the top of the post and Rishovd teaches that the jack is wheeled into the proper lifting position relative to a vehicle by means of the handles mounted near the top of the cylinder (col. 3, lines 26-28). According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide each of the posts in Robertson and McIntire's invention with handles in order for the invention to be properly positioned.

Claim 8 has been rewritten to further define the elements of the ground engaging frame as being fixed attached whereas the parts of the Robertson apparatus identified by the Examiner as corresponding must be pivotally attached in order to function.

New Claim 16 is a combination of the subject matter of Claims 8-15.

The Examiner stated that the prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The Examiner cited: German Pat. Spec. No. DE 3723455; U.S. Patent No. 5,519,999 issued to Dugan; and U.S. Patent No. 3,848,759 issued to Anderson et al. According to the Examiner, all disclose portable lift assemblies that possess similar parallel linkage and support base assembly to the Applicant's invention. The Examiner also cited sixteen other references without comment. Applicant reviewed these references and found them to be no more pertinent than the prior art relied upon by the Examiner in his rejections.

In view of the amendments to the claims and the above arguments, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.